



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,038	12/09/2003	Lisa C. Tidwell	1DATA.096A	6744
29995 7590 12/26/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER FU, HAO				
ART UNIT 4172		PAPER NUMBER		
NOTIFICATION DATE 12/26/2007		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

### Office Action Summary

**Application No.**

10/731,038

**Applicant(s)**

TIDWELL ET AL.

**Examiner**

HAO FU

**Art Unit**

4172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)  
Paper No(s)/Mail Date 09/14/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's argument has been carefully reviewed by the examiner. Applicant specifically argues for claim 1, in which applicant points out that the invention relates to performing a risk score analysis on a transaction wherein a possessor of a Check that is written by another party is attempting to cash the check. Applicant further points out that the cited references Belyi and Engel do not disclose the concept of performing a risk analysis on so-called "second-party check" cashing. However the original claim language of claim 1 does not even mention about "second-party check" nor explain that the check is written by another party other than the check possessor. Examiner believes that the original claim language of claim 1 covers any check in general, including "first party check". Even though other independent claims mention about second-party check, but the claim language does not clarify the meaning of second-party check, which is not a widely used term. Specifically, in the original claim language, the applicant does not mention that the payee of the check is a different person from the payor. Therefore, examiner believes that the prior rejection was made properly. Examiner appreciates that the applicant amended the claim to clarify the invention.

### ***Claim Objection***

Claim 12 is objected for the following informality: the last five words, specifically "for the second-party check", are redundant.

Claim 8, 17, 19, 20, 23 and 26 are objected for the following informality: Examiner suggests changing the word "possessor" of the check to "payee" of the check, because "possessor" clouds the meaning of the claim's intention. A possessor of the

Art Unit: 4172

check can simply be someone who is holding the check temporarily, but not necessary be someone who is entitled to receive the disbursement.

***Claim Rejection – 35 USC 112***

Rejections of claims 17-18 and 20-22 under 35 U.S.C. 112 first paragraph are withdrawn by the examiner, as a result of consideration of applicant's argument.

***Claim Rejection – 35 USC 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections – 35 USC 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-7 and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belyi et al. (Pub. No.: US 2005/0080717 A1, hereinafter "Belyi"), in view of US Patent No.: 7,257,246 granted to Brodie et al.

Art Unit: 4172

As per claim 1, Belyi teaches a method of scoring risk associated with cashing a check, the method comprising:

- receiving information about a check presented to an entity for cashing (see paragraph 0011 and 0031);

- accessing stored positive pay information about issued checks wherein said positive pay information indicates whether a check issuer is willing to honor the presented check (see paragraph 0032 and 0045); and

- determining a risk score associated with cashing the presented check based at least in part on the positive pay information (see paragraph 0013 and 0032).

Examiner notes however, Belyi teaches receiving information about a "first party check" and accessing stored positive pay information about issued "first party check". As such, Belyi fails to teach applying the procedure on "second party check," which is cashing by an entity other than the check writing entity.

Brodie teaches receiving information about a check presented to an entity for cashing (see abstract and column 10, line 4-11);

- accessing stored positive pay information about issued checks wherein said positive pay information indicates whether a check issuer is willing to honor the presented check so as to reimburse an entity who has provided cash in return for accepting the check (see column 13, line 41-60; Brodie discloses that the presented check is a payroll check, which is written by an entity other than the check presenter or a so called "second-party check");

- determining a risk score associated with cashing the presented check based at least in part on the positive pay information (see column 2, line 51-60);

- more importantly, Brodie specifically discloses that the checks handled by the invention include payroll check (see column 9, line 24-29); payroll check is clearly a "second-party check", which is a check that is written by one party for cashing by another party.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include receiving information about a check presented to an entity for cashing by an entity other than the check writing entity; accessing stored positive pay information about issued checks wherein said positive pay information indicates whether a check issuer is willing to honor the presented check so as to reimburse an entity who has provided cash in return for accepting the check; and determining a risk score associated with cashing the presented check based at least in part on the positive pay information.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 2, Belyi teaches receiving information about the presented check comprises receiving at least one of the set consisting of: bank number, account number, check number, check issue date, check amount, payee identifier, and payor identifier (see paragraph 0031 and 0032).

Art Unit: 4172

As per claim 3, Belyi teaches receiving information about the presented check comprises receiving information obtained from a magnetic ink character recognition (MICR) line on the check (see paragraph 0030 and 0031, "magnetic check reader").

As per claim 4, Belyi teaches determining a graduated positive pay risk score based at least in part on the stored positive pay information, wherein the positive pay risk score corresponds to a graduated level of confidence that the check will be honored by the check issuer (see paragraph 0013 and paragraph 0031, "transmitted information" mentioned in paragraph 0013 includes "positive pay information" described in paragraph 0031).

As per claim 5, Belyi teaches determining a risk score associated with cashing the presented check comprises determining a transaction risk score that is based at least in part on the positive pay risk score (see paragraph 0013 and paragraph 0031).

As per claim 6, Belyi teaches determining the transaction risk score is further based at least in part additional information associated with cashing the presented check (see paragraph 0032 and 0033).

As per claim 7, Belyi teaches determining the transaction risk score based at least in part on additional information comprises determining the transaction risk score based at least in part on at least one of the set consisting of: additional information about the check, information about a check presenter associated with the check, and information about an entity to which the check is presented for cashing (see paragraph 0033).

As per claim 12, Belyi teaches a computerized system that determines whether to recommend the payment of a check presented to an entity for processing, the system comprising:

- a point of sale device installed at an entity location, wherein the point of sale device is configured to receive data comprising at least one of: an account identifier, a check number, a check issue date, and an amount associated with a check presented for exchange of the check for valuable consideration, the point of sale device further configured to transfer the data to a check authorization system (see paragraph 0011, "transaction information" include all information suggested in paragraph 0032);

- a computer-accessible-storage medium comprising information that associates a plurality of records in a positive pay database with various issued checks (see paragraph 0067); and

- a computer processor configured to determine a risk score based at least in part on whether the data associated with the check and received by the point of sale device match a record in the positive pay database, the computer processor further configured

Art Unit: 4172

to determine based at least in part on the risk score whether to recommend to the entity payment of valuable consideration to a possessor of the check (see paragraph 0013, see "risk assessment component").

Examiner notes however, Belyi does not specifically teach that the presenting check is a second party check.

Brodie teaches similar computerized system for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check; also see abstract, column 2, line 51-60, column 7, line 1-6, column 9, line 14-29, and column 13, line 39-60).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the computerized system in the reference to determine whether to recommend the payment of a second-party check presented to an entity for processing.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 13, Belyi teaches an apparatus that scores risk associated with accepting a check, the apparatus comprising:

- a database that stores positive pay information about checks issued by check writers to payees wherein said positive pay information indicates issued checks that check writers are willing to honor (see paragraph 0067 and 0045); and

- a computer processor configured to receive input about a check presented to an entity by a check presenter claiming to be a payee (see paragraph 0011, see "point of sale device"), the computer processor further configured to use the input to access positive pay information from the database that is associated with the payor of the check (see paragraph 0032, for first party check, the payor is the same as the payee or the "customer", please refer to the next paragraph for further discussion), the computer processor further configured to determine a risk score associated with accepting the check based at least in part on the positive pay information (see paragraph 0013 and 0032).

Claim 13 is an independent claim, which does not mention about or second-party check at all. The claim language does not suggest the payee is different from the payor even after amendment. Therefore, under examiner's broadest interpretation, the check in this claim covers first-party check as well, in which the payor is the same person as the payee.

Examiner notes however, Belyi does not explicitly teach providing cash to payee in return for accepting the check based at least in part on the positive pay information.

Brodie teaches providing cash to payee in return for accepting the check based at least in part on the positive pay information (see column 13, line 39-67, and column 14, line 1-14).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include providing cash to payee in return for accepting the check based at least in part on the positive pay information.

Art Unit: 4172

One of ordinary skill in the art would have been motivated to modify the reference in order to allow check possessor to cash second party check.

As per claim 14, Belyi teaches the database further stores information about issued checks that check writers are not willing to honor (see paragraph 0023).

As per claim 15, Belyi teaches the computer processor is located at a check authorization system and the database is located at a financial entity external to the check authorization system (see paragraph 0011 and 0067, "external database").

As per claim 16, Belyi teaches computer processor is located at a check authorization system and the database is located at the check authorization system (see paragraph 0011 and 0067, "internal database").

As per claim 17, Belyi teaches an apparatus that scores risk associated with a financial transaction, the apparatus comprising:

a computer processor configured to receive information about a financial transaction associated with an obligation (see paragraph 0011, point of sale devices include computer processor), the computer processor further configured to determine a risk score associated with the financial transaction that is based at least in part on stored information obtained from a payor associated with the obligation (see paragraph 0013, 0031, and 0032).

Examiner notes however, Belyi does not teach the financial transaction comprising payment of cash for a check presented by a possessor of the check, and the check being written by a payor other than the possessor.

Brodie teaches the financial transaction comprising payment of cash for a check presented by a possessor of the check, and the check being written by a payor other than the possessor (see column 13, line 39-67, and column 14, line 1-14; Brodie discloses that the presented check is a payroll check, which is written by a payor other than the possessor); Brodie further teaches a computer processor further configured to determine a risk score associated with the financial transaction that is based at least in part on stored information obtained from a payor associated with the obligation (see column 2, line 51-60, column 8, line 37-41, column 9, line 4-31, and column 13, line 24-67 through column 14, line 1-14; especially see column 13, line 50-57, Brodie discloses that the stored information is a record of positive check writing history of the payor and payor's account number).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the financial transaction comprising payment of cash for a check presented by a possessor of the check, and the check being written by a payor other than the possessor.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.



Art Unit: 4172

As per claim 18, Belyi teaches the obligation comprises at least one of the set consisting of: a personal check, corporate check, company insurance refund check, tax refund check, Social Security check, payroll check, other government-issued check, a traveler's check, bank check, official check, convenience check, money order, second-party check, third-party check, value-carrying paper, and other type of cashable financial instrument (see paragraph 0005, "promissory payment" is "obligation, and prior art mentions check as promissory payments).

As per claim 19, Belyi teaches a method that scores risk associated with a financial transaction, the method comprising:

- receiving information about a financial transaction associated with a obligation (see paragraph 0031); and

- determining a risk score associated with the financial transaction based at least in part on stored information obtained from a payor associated with the obligation (see paragraph 0013, 0031, and 0032).

Examiner notes however, Belyi does not teach the financial transaction is associated with a second-party obligation wherein a possessor of a check written by a payor other than the possessor is seeking to cash the check.

Brodie teaches the financial transaction is associated with a second-party obligation wherein a possessor of a check written by a payor other than the possessor is seeking to cash the check (see column 13, line 39-67, and column 14, line 1-14; Brodie discloses that the presented check is a payroll check, which is written by a payor other than the possessor); Brodie further teaches a computer processor further configured to determine a risk score associated with the financial transaction that is based at least in part on stored information obtained from a payor associated with the obligation (see column 2, line 51-60, column 8, line 37-41, column 9, line 4-31, and column 13, line 24-67 through column 14, line 1-14; especially see column 13, line 50-57, Brodie discloses that the stored information is a record of positive check writing history of the payor and payor's account number).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the financial transaction is associated with a second-party obligation wherein a possessor of a check written by a payor other than the possessor is seeking to cash the check.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 20, Belyi teaches a computerized device that indicates to an entity whether to accept a check, the device comprising:

- a computer processor configured to receive information about a financial transaction associated with a presentment of a check to an entity (see paragraph 0011),

- the computer processor further configured to determine a risk score associated with the financial transaction based at least in part on positive pay information about the check (see paragraph 0013, 0031, and 0032),

Art Unit: 4172

the computer processor further configured to indicate to the entity whether to accept the check based at least in part on the risk score (see paragraph 0048).

Examiner notes however, Belyi does not teach the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity.

Brodie teaches the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity (see column 9, line 23-29; payroll check is a second-party check); Brodie further suggests a computer processor configured to receive information about a financial transaction associated with a presentment of a second-party check to an entity (see abstract and column 10, line 4-11); the computer processor further configured to determine a risk score associated with the financial transaction based at least in part on positive pay information about the check (see column 2, line 51-60, and column 13, line 24-63); and the computer processor further configured to indicate to the entity whether to accept the check based at least in part on the risk score (see column 13 and 14).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 21, Belyi teaches the computer processor is further configured to determine whether to guarantee the check based at least in part on the positive pay information (see paragraph 0026).

Examiner notes however, Belyi does not specifically teach using such computer processor on risk assessment of second-party check.

Brodie teaches similar computerized device for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with a computer processor configured to determine whether to guarantee the second-party check.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

As per claim 22, Belyi teaches the computer processor is further configured to determine whether to purchase the check based at least in part on the positive pay information (see paragraph 0028).

Examiner notes however, Belyi does not specifically teach using such computer processor on risk assessment of second-party check.

Brodie teaches similar computerized device for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

Art Unit: 4172

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with a computerized device configured to determine whether to purchase the second-party check from the entity.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

As per claim 23, Belyi teaches a computerized method that indicates to an entity whether to accept a check, the method comprising:

receiving information about a financial transaction associated with a presentment of a check to an entity (see paragraph 0031);

determining a risk score associated with the financial transaction based at least in part on positive pay information about the check (see paragraph 0013, 0031, and 0032);

and indicating to the entity whether to accept the check based at least in part on the risk score (see paragraph 0011 and 0013).

Examiner notes however, Belyi does not teach the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity.

Brodie teaches the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity (see column 9, line 23-29; payroll check is a second-party check). Refer to the discussion of this feature on claim 20.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the check is a second-party check and the check is presented by a possessor of the check other than the second-party for consideration from the entity.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 24, Belyi teaches determining whether to guarantee the check based at least in part on the risk score (see paragraph 0026).

Examiner notes however, Belyi does not specifically teach applying such method on second-party check.

Brodie teaches similar method for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with determining whether to authorize payment of the second-party check comprises determining whether to guarantee the second-party check.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

Art Unit: 4172

As per claim 25, Belyi teaches determining whether to purchase the second-party check based at least in part on the risk score (see paragraph 0028).

Examiner notes however, Belyi does not specifically teach applying such method on second-party check.

Brodie teaches similar method for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with determining whether to purchase the second-party check from the entity.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

As per claim 26, Belyi teaches a system for scoring risk associated with processing a check, the system comprising:

- means for receiving information about a check presented to a check cashing entity for cashing (see paragraph 0011 and 0031, "point of sale devices");

- means for accessing stored positive pay information about issued checks wherein said positive pay information indicates whether a check issuer is willing to honor the presented check (see paragraph 0038 and 0045, "risk system"); and

- means for determining a risk score associated with processing the presented check based at least in part on the positive pay information (see paragraph 0013, 0031, and 0032, "risk assessment component").

Examiner notes however, Belyi does not teach the check is a second-party check and the check is presented to a check cashing entity by a possessor of the check other than the second party.

Brodie teaches the check is a second-party check and the check is presented to a check cashing entity by a possessor of the check other than the second party (see column 9, line 23-29; payroll check is a second-party check). Please refer to the discussion on claim 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the check is a second-party check and the check is presented to a check cashing entity by a possessor of the check other than the second party.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

Claim 8, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belyi et al. (Pub. No.: US 2005/0080717A1, hereinafter "Belyi"), in

Art Unit: 4172

view of Engel et al. (Pub. No.: US 2004/0138975 A1, hereinafter "Engel"), and further in view of US Patent No.: 7,257,246 granted to Brodie et al.

As per claim 8, Belyi teaches a computerized method for determining whether to authorize payment of a check presented to an entity for processing, the method comprising:

- obtaining with a point of sale device installed in an entity location data comprising at least one of: an account identifier, a check number, a check issue date, and an amount associated with a check presented for processing (see paragraph 0011 and 0032);
- transmitting the data to a check authorization system (see paragraph 0011);
- identifying at the check authorization system which of a plurality of positive pay databases is associated with the check (see paragraph 0038);
- determining based at least in part on the risk score whether to authorize payment of the check (see paragraph 0057); and
- transmitting a recommendation indicative of the authorization determination to the entity (see paragraph 0057).

Examiner notes however, Belyi fails to teach accessing the identified positive pay database associated with the second-party check and comparing the transmitted data and information stored in the positive pay database; and

- determining a risk score based at least in part on the comparison (see paragraph 0033).

Engel et al. teaches accessing the identified positive pay database associated with the check and comparing the transmitted data and information stored in the positive pay database (see paragraph 0031 and 0032); and

- determining a risk score based at least in part on the comparison (see paragraph 0033).

Brodie teaches similar procedures as above for "second-party check". Specifically, Brodie teaches obtaining with a point of sale device installed in an entity location data comprising at least one of: an account identifier, a check number, a check issue date, and an amount associated with a second-party check presented for processing (see abstract and column 10, line 4-11);

- accessing the identified positive pay database associated with the second-party check and comparing the transmitted data and information stored in the positive pay database (see column 13, line 39-60; a payroll check is a second-party check);

- determining a risk score associated with accepting the second-party check from a possessor of the check and providing valuable consideration to possessor in return for the second-party check based at least in part on the comparison (see column 2, line 51-60, and see column 9, line 23-29; the invention deals with payroll check, which is second-party check)

Art Unit: 4172

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Belyi to include the steps of accessing the positive pay database, comparing the information, determining a risk score based at least in part on the comparison, and using the procedures on second-party check.

One of ordinary skill in the art would have been motivated to modify the reference in order to provide risk assessment for merchant or financial institution to determine whether to accept the second-party check.

As per claim 9, Belyi teaches obtaining with the point of sale device information (see paragraph 0011); and transmitting information to the check authorization system (see paragraph (see paragraph 0011)).

Examiner notes however, Belyi does not specify the transmitted information as "payee information".

Brodie teaches obtaining with the point of sale device information about a payee of the second-party check (see column 5, line 21-32).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Belyi to obtain payee information with the point of sale device and transmit payee information to the check authorization system.

One of ordinary skill in the art would have been motivated to modify the reference to provide more information for determining risk score.

As per claim 10, Belyi teaches determining whether to authorize payment of the second-party check comprises determining whether to guarantee the check (see paragraph 0026).

Examiner notes however, Belyi does not specifically teach applying such method on second-party check.

Brodie teaches similar method for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with determining whether to authorize payment of the second-party check comprises determining whether to guarantee the second-party check.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

As per claim 11, Belyi teaches determining whether to authorize payment of the second-party check further comprises determining whether to purchase the check from the entity (see paragraph 0028).

Examiner notes however, Belyi does not specifically teach applying such method on second-party check.

Brodie teaches similar method for second-party check (see abstract and column 9, line 23-29; a payroll check is a second-party check).

Art Unit: 4172

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the references to come up with determining whether to purchase the second-party check from the entity.

One of ordinary skill in the art would have been motivated to modify the reference in order to apply existing risk assessment method on second-party check.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao Fu whose telephone number is (571) 270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 4172

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Dixon/  
Supervisory Patent Examiner, Art Unit 4172

Hao Fu  
Examiner  
Art Unit 4172

DEC 07

